

AMENDED IN ASSEMBLY JULY 13, 2005

AMENDED IN SENATE JUNE 2, 2005

AMENDED IN SENATE APRIL 26, 2005

AMENDED IN SENATE APRIL 13, 2005

AMENDED IN SENATE MARCH 29, 2005

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**SENATE BILL**

**No. 469**

**Introduced by Senator Bowen**

**(Coauthors: Senators Alquist, Kuehl, Romero, Scott, and Speier)**

(Coauthors: Assembly Members Canciamilla, Chan, Jones, Koretz,  
Mullin, Oropeza, Pavley, and Saldana)

February 18, 2005

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An act to amend Section 101 of, and to add Sections 336.7, 357.3, and 9011.5 to, the Elections Code, relating to petitions.

LEGISLATIVE COUNSEL'S DIGEST

SB 469, as amended, Bowen. Petitions: initiative, referendum, recall.

Under existing law, an initiative petition must contain specified language advising the public of its right to determine whether the person circulating the petition is a paid signature gatherer or a volunteer.

This bill instead would require an initiative, referendum, or recall petition to reflect, in specified language, whether it is being circulated by a paid circulator or by a volunteer.

This bill would define "volunteer" and "paid circulator."

This bill would additionally require any state or local initiative, referendum, or recall petition circulated by a *paid circulation who is paid by a committee*, as defined, to include a disclosure statement

identifying the *names of the persons from whom the committee received the 5 largest cumulative contributors contributions* in support of the measure, as specified. The bill would require that if more than 5 donors meet this disclosure threshold at identical contribution levels, the 5 highest donations be disclosed according to chronological sequence and if the major donors share a common employer, the identity of the employer be disclosed. The bill would require this disclosure statement to be updated ~~at least once every~~ *within 7 days to reflect* of any change in the 5 largest cumulative contributors. *The bill would require a committee that employs one or more paid circulators for the purpose of circulating an initiative, referendum, or recall petition to submit a disclosure statement, and any updates to that statement, to the Secretary of State to post that statement on his or her Internet web site.*

By imposing additional requirements on local elections officials with respect to petitions, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 101 of the Elections Code is amended
- 2 to read:
- 3 101. Notwithstanding any other provision of law, any state or
- 4 local initiative, referendum, or recall petition required to be
- 5 signed by voters shall contain in 12-point type, prior to that
- 6 portion of the petition for voters' signatures, printed names, and
- 7 residence addresses, the following language:
- 8 (a) If the petition is circulated by a paid circulator the phrase
- 9 "PAID CIRCULATOR" shall appear in 24-point type above the
- 10 following language which shall appear in 12-point type:

1  
2 “NOTICE TO THE PUBLIC

3  
4 THIS PETITION IS BEING CIRCULATED BY A PERSON  
5 WHO IS BEING PAID TO COLLECT SIGNATURES.”  
6

7 (b) If the petition is being circulated by a volunteer the phrase  
8 “VOLUNTEER CIRCULATOR” shall appear in 24-point type  
9 above the following language which shall appear in 12-point  
10 type:

11  
12 “NOTICE TO THE PUBLIC

13 THIS PETITION IS BEING CIRCULATED BY A  
14 VOLUNTEER.”  
15

16 SEC. 2. Section 336.7 is added to the Elections Code, to read:

17 336.7. “Paid circulator,” for the purpose of circulating an  
18 initiative, referendum, or recall petition, means a person who is  
19 compensated in any manner for collecting petition signatures to  
20 qualify a state or local initiative, referendum, or recall measure.

21 SEC. 3. Section 357.3 is added to the Elections Code, to read:

22 357.3. “Volunteer,” for the purpose of circulating an  
23 initiative, referendum, or recall petition, means a person who is  
24 not a paid circulator.

25 SEC. 4. Section 9011.5 is added to the Elections Code, to  
26 read:

27 9011.5. (a) (1) Notwithstanding any other provision of law,  
28 any state or local initiative, referendum, or recall petition  
29 required to be signed by voters and circulated by a *paid*  
30 *circulator who is paid by a* committee formed pursuant to  
31 Section 82013 of the Government Code shall include, in 12-point  
32 type at the top of the petition, a disclosure statement identifying  
33 ~~the five largest cumulative contributors in support of the~~  
34 ~~measure.~~ *names of the persons from whom the committee*  
35 *received the five largest cumulative contributions.*

36 (2) If more than five donors meet this disclosure threshold at  
37 identical contribution levels, the five highest donations shall be  
38 disclosed according to chronological sequence.

1 (3) The disclosure statement required by paragraph (1) shall be  
2 updated within seven days of any change in the five largest  
3 cumulative contributors.

4 (4) *A committee that employs one or more paid circulators to*  
5 *circulate an initiative, referendum, or recall petition shall submit*  
6 *the disclosure statement required by paragraph (1), and any*  
7 *updates to that statement as required by paragraph (3), to the*  
8 *Secretary of State, who shall post that statement on his or her*  
9 *Internet web site.*

10 (b) Any committee that ~~circulates~~ employs one or more paid  
11 circulators to circulate an initiative, referendum, or recall  
12 petition shall print on the petition, immediately following the  
13 disclosure statement required pursuant to subdivision (a), its  
14 name and identify itself using a name or phrase that clearly  
15 identifies the economic or other special interest of its major  
16 donors of fifty thousand dollars (\$50,000) or more.

17 (c) If the major donors share a common employer, the identity  
18 of the employer shall also be disclosed.

19 (d) As used in this section, “cumulative contributions” means  
20 the cumulative amount of contributions received by a committee  
21 beginning 12 months prior to the date the committee made its  
22 first expenditure to qualify or support the measure.

23 (e) This section shall not be construed to require a local  
24 elections official to verify the accuracy of the information  
25 required by subdivision (a), (b), or (c) or to reapprove the petition  
26 upon the update required by paragraph (3) of subdivision (a).

27 SEC. 5. If the Commission on State Mandates determines that  
28 this act contains costs mandated by the state, reimbursement to  
29 local agencies and school districts for those costs shall be made  
30 pursuant to Part 7 (commencing with Section 17500) of Division  
31 4 of Title 2 of the Government Code.